

UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF CALIFORNIA

San Francisco Venue

Petition for Summons for Offender Under Supervision

Name of Offender: Brandie Soto Docket No.: CR 07-0521-01 MMC

Name of Sentencing Judge: Robert L. Miller
United States District Judge
Northern District of Indiana

Date of Original Sentence: January 8, 2003

Original Offense:

Count One: Interstate Transportation in Aid of Racketeering, 18 U.S.C. § 1952(a)(3), a Class D felony

Original Sentence: 60 months custody, two year term of supervised release.

Special Conditions: Special assessment \$100; drug/alcohol treatment; no alcohol; mental health treatment

On August 3, 2007, jurisdiction was transferred to the Northern District of California and assigned to the Honorable Maxine M. Chesney.

On January 25, 2008, Your Honor took judicial notice of the fact that Ms. Soto had tested positive for marijuana use.

Type of Supervision: Supervised Release
Assistant U.S. Attorney: To Be Assigned

Date Supervision Commenced: July 13, 2007
Defense Counsel: To Be Assigned (AFPD)

Petitioning the Court

The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on Thursday, April 24, 2008, at 9:30 a.m.

I, Jennifer J. James, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of

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performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

<u>Charge Number</u>	<u>Violation</u>
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One	There is probable cause to believe that the offender violated special condition number one, which states, in part, that she shall participate in a program of drug testing and counseling.
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On February 12, 2008, the offender failed to submit to drug testing, pursuant to the Code-a-Phone recorder instructions. Evidence of the alleged violation is available through a review of faxed correspondence from Sharper Future dated February 13, 2008.

Two	There is probable cause to believe that the offender violated standard condition number seven, which states, in part, that she shall not use a controlled substance.
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On February 20, 2008, the offender submitted a urine sample to Sharper Future staff, which returned positive for the presence of marijuana and cocaine on February 23, 2008. Evidence of the alleged violation is available through a review of Kroll Laboratory Specialists "Results of Controlled Substance Test" for specimen number C00786962.

On February 25, 2008, the offender submitted a urine sample to Sharper Future staff, which returned positive for the presence of marijuana on February 28, 2008. Evidence of the alleged violation is available through a review of Kroll Laboratory Specialists "Results of Controlled Substance Test" for specimen number C00786965.

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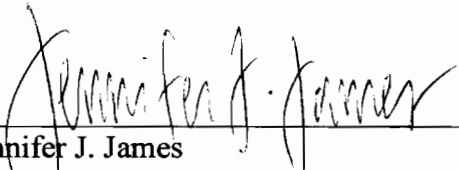
Three There is probable cause to believe that the offender violated the general condition of supervision, which states that she shall not commit another Federal, State or local crime.

On February 13, 2008, the offender possessed four pills of Ecstasy, in violation of California Health and Safety Code 11377(a), a felony. On April 3, 2008, the offender received a one year diversion program through California Proposition 36 (to be served through the San Mateo County Adult Probation Department), relating to this arrest. Evidence of the alleged violation is available through a review of San Mateo Police Department Investigative Report No. 08-0213-043, and through a review of the court documents in San Mateo County Superior Court Docket No. NF374113A.

Address of offender: 1505 Susan Court
 San Mateo, CA 94403

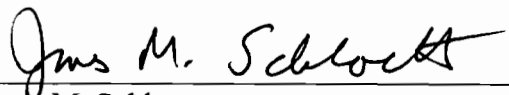
Based on the foregoing, there is probable cause to believe that Brandie Soto violated the conditions of her supervision.

Respectfully submitted,



Jennifer J. James
U.S. Probation Officer Specialist
Date Signed: April 4, 2008

Approved as to form:



James M. Schloetter
Supervisory U.S. Probation Officer

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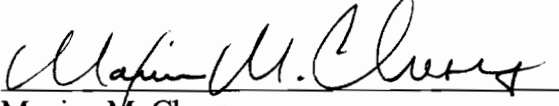
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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ The issuance of a summons for the offender to appear in court before the duty Magistrate Judge for identification of counsel and setting of revocation proceedings on Thursday, April 24, 2008, at 9:30 a.m.
- ☐ Other:

4-8-08

Date



Maxine M. Chesney
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

BRANDIE SOTO et al,

Defendant.

Case Number: CR07-00521 MMC

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

U.S. Attorney Office
450 Golden Gate Ave., 11th Floor
San Francisco, CA 94102

Jennifer James
U.S. Probation Officer
450 Golden Gate Avenue
San Francisco, CA 94102

Chambers of Chief Magistrate Judge James Larson
450 Golden Gate Avenue
San Francisco, CA 94102

Dated: April 8, 2008

Richard W. Wieking, Clerk



By: Tracy Lucero, Deputy Clerk